

# CHAPTER 5

# CORRECTIONS REFORM AND PUBLIC SAFETY

## Introduction

California's state correctional system is presently comprised of the Youth and Adult Correctional Agency and its subordinate departments, boards, and commissions. The separate Office of the Inspector General provides independent oversight, audits, and investigations of the Youth and Adult Correctional Agency and its subordinate agencies. The correctional system consists of more than 54,000 employees and a budget totaling almost \$6 billion—5.6 percent of the total state budget. This significant investment in human resources is responsible for supervising more than 300,000 adult inmates and parolees and 8,400 juvenile parolees and wards in order to protect the safety of the public.

After a comprehensive review of California's correctional system, the Independent Review Panel (IRP) found that the correctional system is in need of fundamental reform. The Secretary of the Youth and Adult Correctional Agency has no control over line operations. A code of silence permeates the agency, punishing whistle-blowers and impeding investigation of alleged misconduct. Discipline is not uniform. Training is almost non-existent. A labor agreement between the state and the correctional officer's union has severely restricted managers' abilities to direct and control activities. Lawsuits have successfully challenged the way health care is provided. Inmates and youthful offenders cycle in and out of institutions with little effort made to provide education and rehabilitation services to keep them from re-offending.

In total, the IRP presented 239 specific recommendations for reforming the state's adult and youth correctional system. The major reform areas included:

- Creating a Civilian's Corrections Commission.
- Reorganizing the Youth and Adult Correctional Agency.
- Changing the correctional culture, eliminating the "code of silence," and reinforcing strong ethical behavior.
- Ensuring that the best employment candidates are recruited and that all employees are properly trained.

## REPORT OF THE CALIFORNIA PERFORMANCE REVIEW COMMISSION

- Establishing discipline and use-of-force policies that are fair and equitable to the employees, department, inmates and wards, and public.
- Changing approaches to inmate and ward management so that they are better prepared to reenter the community as productive members of society.

The California Performance Review (CPR) also addressed public safety in the context of law enforcement services, fire protection, emergency management, victim services, and homeland security. The safety of those who live, work, and visit in California is among the highest priorities of state government. California is no stranger to public safety emergencies. In the recent past, civil unrest, massive fires, earthquakes, and floods have caused the loss of life and property, and since September 11, there has been a constant unease about terrorism.

After conducting a comprehensive review of the state's public safety functions, the CPR concluded that the current structure of state services is confusing, duplicative, and does not lend itself to effective delivery of public safety services. The CPR also found that the state lacks coordination in the areas of training, equipment purchasing, and communication. To address these public safety issues, the CPR researched 14 issues and identified 23 recommendations related to public safety. These recommendations will:

- Consolidate the majority of public safety services into a new Department of Public Safety and Homeland Security.
- Address other operational and structural issues within the state's public safety services.

The CPR report estimated that these recommendations will result in \$7.6 million in savings over the next five fiscal years.

### **CPR COMMISSION HEARING**

The CPR Commission hearing on the IRP report and the Public Safety recommendations of the CPR report was held at California State University, Long Beach on September 10, 2004. Two panels of expert witnesses, representing a broad array of public opinion, testified in front of the Commission. The panels focused on the following subject areas:

- Corrections Reform
- Public Safety and Homeland Security

In total, 13 witnesses presented testimony to the Commission.

## SUMMARY OF PUBLIC COMMENT

The public generally supported the IRP's recommendations to reform the state's correctional system. Changing the correctional system's culture and ethics, and increasing accountability and transparency were strongly supported themes. The recommendations related to rehabilitation also received positive response. The proposed changes to the correctional health care system and some of the recommended organizational changes met with opposition or concern. In total, 193 comments were received on the corrections recommendations presented in the IRP report.

Public comment on the Public Safety recommendations of the CPR report mainly focused on the proposed reorganization of public safety services. In particular, the recommended consolidation of state law enforcement entities and the transfer of emergency management and fire protection functions received significant comment. In total, 175 comments were received on the CPR recommendations related to Public Safety and Homeland Security.

### CIRP 01-01

*"While the idea of a civilian watch dog group holds some promise, a part-time Civilian Commission will lack the expertise, experience, and knowledge necessary to run such a complex and difficult agency."*

**Donald Specter**  
Director  
Prison Law Office  
CPR Commission Hearing

## IRP CHAPTER 1

### A REORGANIZATION PLAN FOR CORRECTIONS

#### ISSUE

*To a significant extent, the problems of California's Correctional system grow out of its structure. Layers of bureaucracy blur lines of responsibility between managers and functions. Accountability is conspicuously absent, as is public transparency into the system's inner workings. Clear, uniform policies governing the system's most vital functions are equally lacking. Boards, commissions, and other entities that have evolved over time perform duplicate and overlapping functions. The sheer size and complexity of the correctional system, the critical nature of its mission, and the severity of problems dictate the need for wholesale reform, and that reform should begin with the system's organizational structure.*

#### REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Create a Civilian Corrections Commission at the highest level of the organization and assign the commission authority to approve policy and provide direction to the correctional administration. (IRP 01-01)*
- *The Civilian Corrections Commission will:*
  - *Report directly to the Governor and make recommendations for the appointment of the Secretary of the new Department of Correctional Services.*
  - *Provide directives to the Secretary of the Department of Correctional Services.*
  - *Have the power to appoint or remove the Inspector General.*
  - *Review and approve the proposed department budget before it is submitted to the Governor.*

- *Have five members appointed by the Governor and confirmed by the Senate.*
  - *Have at least one commissioner selected on the basis of his or her expertise in the area of youthful offender treatment and rehabilitation.*
  - *Not have been affiliated with the state's correctional agencies in the past and may not be otherwise affiliated with the Department of Correctional Services.*
  - *Serve at the pleasure of the Governor for a period not to exceed 10 years.*
  - *Publish commission policy and meeting agendas and hold meetings that are open to the public.*
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## **PUBLIC COMMENT**

9 comments were received for the recommendations in this section.

4 comments expressed support. 3 comments expressed opposition.

2 comments were neutral.

### **Pros**

- The Civilian Corrections Commission would increase public accountability and provide transparency into the operations of the correctional system.
- The commission would also provide the oversight required to correct abuses toward inmates, address overtime excesses, and restore professional and fiscal responsibility in the correctional system.
- The structure of the commission could ensure that policy and operational decisions are made by a fair and unbiased body with little or no vested interest in maintaining the status quo.

### **Cons**

- The proposed civilian commission would create a new bureaucracy of unaccountable appointees, an addition that appears contrary to the goal of simplifying state government.
- The Governor should hold one person, the Secretary of Correctional Services, accountable for operations and should have the authority to replace the secretary for poor performance.
- Giving responsibility for day-to-day operations of the correctional system to a part-time commission of appointees could create bottlenecks and impede abilities to meet critical timelines dictated by legislation or pressing emergencies.
- Commissioners may lack the expertise, experience, and knowledge necessary to run such a complex and difficult system.

- As an appointed body, the effectiveness of the commission could be influenced by the Governor's choice of appointees. The recommendation does not include any safeguards to ensure that appointees are insulated from politics or truly independent.

### Considerations

- Although a civilian commission could be a useful tool that provides public accountability, it is important to consider the differences between a "control" and "advisory" commission. A hybrid model might be a better alternative to the proposed commission structure.
- The recommended structure could be modified to give the commission the authority to cast a collective, albeit weighty, vote on matters at the correctional decision-making table. The commission's position would factor into the decision-making process, but would not freeze the process or delay a final decision.
- The commission could be placed in a consultative position to the department secretary. The commission would play a strong civilian oversight role, but would not have control functions. Commission members could also consult and participate in special committees and studies on an as-needed basis.

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### REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Retain the Office of the Inspector General as the entity responsible for independent oversight of the correctional system and situate the Office of the Inspector General as the auditing and investigative arm of the Civilian Corrections Commission. (IRP 01-02)*
- *Restructure the Youth and Adult Correctional Agency as the Department of Correctional Services, and merge the central management and support functions of the Department of Corrections (CDC) and the Department of the Youth Authority (CYA) into the new department. (IRP 01-03)*
- *Appoint a Secretary of Correctional Services who will function as the Chief Operational Executive of the department and serve as a member of the Governor's Cabinet. (IRP 01-04)*
- *Give the Secretary of the Department of Correctional Services the power to appoint individuals to key managerial positions. (IRP 01-05)*
- *Concentrate Youth and Adult Field Operations under regional directors, who will be fully responsible for all operations in designated geographic regions and accountable to a common director of operations and programs. (IRP 01-12)*

- *Integrate parole operations with institution programs and make regional directors responsible for preparing inmates for eventual return to the community from the moment they enter a prison or youth facility until they are released from prison. (IRP 01-13)*
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## **PUBLIC COMMENT**

18 comments were received for the recommendation in this section.

8 comments expressed support. 3 comments expressed opposition.

7 comments were neutral.

### **Pros**

- Restructuring the Youth and Adult Correctional Agency may eliminate duplicate functions and streamline correctional services.
- The secretary's role as a member of the Governor's cabinet would encourage direct accountability to the Governor and potentially increase power at the departmental level.
- Currently, top prison managers are not held accountable for their decisions. A regional management structure could allow for consistency and accountability.
- Integrating parole operations with institution programs would provide for services that better prepare prisoners for re-entry once they are released from custody.

### **Cons**

- Placing CYA under a unified corrections department could compromise its unique mission of rehabilitating youth and allow CYA issues to be overshadowed by crises within the adult correctional system. To avoid these problems, other states with unified systems are now creating "firewalls" between their adult and juvenile correctional systems.
- CYA needs to be closely allied with local law enforcement, education, and social services to provide effective services. A disconnect already exists between CYA and local juvenile justice professionals. The proposed reorganization could further isolate CYA from county juvenile justice systems.

### **Considerations**

- The Independent Review Panel has noted that reorganization is the linchpin of their recommendations. It is critical to recognize the importance of restructuring and the role that communication must play in the reorganization process.

- The Secretary must be vested with the power to appoint individuals to key managerial positions in order to follow the directives of the Civilian Corrections Commission and the policy of the Governor.
- In addition to the Civilian Corrections Commission, the Inspector General should report to the Secretary of Correctional Services, with an extension of an ombudsman relationship with the Governor's Office.
- The current system is the equivalent of 32 separate entities, each comprised of a warden and prison. The idea of a flattened bureaucracy has merit, but taking a regional approach may be too simplistic. Reorganization should consider not only geography, but also mission.
- Implementing a regional approach would require a coordinating function to ensure statewide consistency in operations and to resolve conflicts between regions.
- Accountability could be improved by issuing report cards for wardens and other high-level administrators that are based on performance indicators.
- The proposed reorganization does not create an entity to deal with broader juvenile justice functions. Recommend creating a statewide juvenile justice agency in the Office of Research and Planning in the proposed Department of Correctional Services. Through funding initiatives and policy development, the agency could address the disconnect between CYA and counties and ensure a full continuum of local programs.
- The report addresses continuity among institutions, but not specifically in relation to Title 15. Although Title 15 is supposed to be a rule book for facilities and the public to follow, it is open to interpretation by each warden, leading to discrepancies between facilities.
- There appears to be a number of areas where there is a duplication of effort between the CDC and CYA. For example, there appears to be overlapping duties between the institutional parole officer and the treatment team supervisor positions in the CYA. These two positions could be combined into one.

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REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Eliminate the Board of Prison Terms, the Narcotic Addict Evaluation Authority Board, the Youth Authority Board, and the Prison Industry Board, and the Joint Venture Policy Advisory Board. Absorb the Functions of the former boards into units of the Department of Correctional Services. (IRP 01-06)*
  - *Move the Board of Corrections into the new Department of Correctional Services and rename it as the Corrections Standards Authority (CSA). (IRP 01-08)*
  - *Assign the Corrections Standards Authority responsibility for establishing the first coordinated state and local strategic planning efforts for the youth and adult correctional systems. Give the CSA responsibility for setting standards and conducting inspections of state prisons and youth facilities. (IRP 01-08)*
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**PUBLIC COMMENT**

8 comments were received for the recommendations in this section.

1 comment expressed support. 5 comments expressed opposition.

2 comments were neutral.

**Pros**

- The proposal to move the functions performed by the Board of Corrections into the new department appears more efficient.
- A coordinated state and local strategic plan would be beneficial for correctional services, as would uniform standards for conducting investigations of state prison and youth facilities.

**Cons**

- The proposed elimination of the Board of Prison Terms and the Youth Authority Board would result in hearings being conducted by civil service employees. According to submitted comments, a similar approach was tried in 1992 with the transfer of the Board of Prison Terms' parole revocation authority to the Department of Corrections. This decision resulted in parole policy that was driven by population management concerns, rather than public safety.
- Under the current structure, the Board of Prison Terms and Youth Advisory Board provides an important opportunity for prosecutors to be involved in the evaluation process for the release of adult and juvenile offenders.
- As the entity responsible for setting facilities and training standards, and inspecting compliance with these standards, placement of the Board of Corrections within the department does not give the appearance of impartial inspections and oversight.



- The proposed Corrections Standards Authority could dilute the current mission of the Board of Corrections, which is to focus on local correctional effectiveness. Expanding the board to include adult prisons and youthful offender facilities could further shift the focus away from local issues and result in a loss of local input and expertise.

### Considerations

- If the proposed changes are made to the Board of Prison Terms and Youth Authority Board, recommend increasing the pay for the associated civil service jobs in order to attract and retain qualified candidates.
- Rather than eliminating the Board of Prison Terms and Youth Authority Board, consider combining them into one independent parole authority that reports directly to the Secretary. This structure would be consistent with goals of accountability and protect parole policy from being driven by institutional housing considerations.
- Instead of having the Corrections Standards Authority responsible for CYA facility inspections, consider giving responsibility for this task to another entity. For example, Florida contracts with universities to complete education and conditions audits of their facilities.
- In addition to the proposed changes to the Board of Corrections, recommend a review to determine whether the standards and enforcement mechanisms for local facility inspections need to be strengthened. One option would be to turn over the most egregious situations to the Attorney General for enforcement. Another option would be to institute a licensing scheme, where counties electing to operate juvenile halls must meet licensing standards and undergo periodic recertification.

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### REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Eliminate the Commission on Correctional Peace Officer Standards and Training (CPOST) and transfer the responsibilities of the commission for setting training standards for state youth and adult correctional peace officers to the new Corrections Standards Authority. (IRP 01-09)*
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## **PUBLIC COMMENT**

2 comments were received for the recommendations in this section.

1 comment expressed support. 1 comment expressed opposition.

### **Pros**

- Eliminating the CPOST and transferring its functions to the Corrections Standards Authority appears to streamline services and provide for a more responsive entity.

### **Cons**

- No testimony submitted.

### **Considerations**

- No testimony submitted.

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## *REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)*

- *Eliminate legislative confirmation of appointments with the exception of the commissioners of the Civilian Corrections Commission.*
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## **PUBLIC COMMENT**

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

### **Pros**

- No testimony submitted.

### **Cons**

- The confirmation process opens prison policies, practices, and operations to periodic public scrutiny. It also provides necessary checks and balances for a system that has an otherwise broad range of discretionary power. Accountability and transparency may suffer if the Senate's power to confirm prison wardens is removed.

### **Considerations**

- No testimony submitted.

## IRP CHAPTER 2

### ETHICS AND CULTURE

#### ISSUE

*Recent events have brought to light an insidious “code of silence” within California’s correctional institutions. Although a reluctance to report wrongdoing by co-workers is common in any workplace, the code of silence that has taken hold in the state’s prisons and juvenile facilities is deeply destructive, profoundly unacceptable, and symptomatic of an urgent need for cultural reform in the state correctional system.*

#### ETHICS AND CULTURE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Have an outside entity conduct a cultural assessment of the state correctional system to identify issues needing reform. Arrange for a follow-up assessment every two years. (IRP 02-01)*
- *Ensure that Department of Correctional Services managers and administrators serve as role models for integrity and that they require the same behavior from employees. (IRP 02-02)*
- *Provide a means for employees to report misconduct, anonymously if necessary, without fear of reprisal. (IRP 02-03)*
- *Strengthen recruiting standards to select candidates of high moral character. (IRP 02-04)*
- *Require every employee to sign an official code of conduct that clearly defines cooperating in a code of silence as misconduct. Accompany the code of conduct with a list of the disciplinary sanctions to be imposed for violating the code. (IRP 02-07)*

#### PUBLIC COMMENT

6 comments were received for the recommendations in this section. 3 comments expressed support. No comments expressed opposition. 3 comments were neutral.

##### Pros

- As past reorganization has shown, it is important to examine both the organization and the people. The IRP report acknowledges that it is critical to pay attention to ethics, integrity, and culture.
- The recommendations address the fact that misconduct is not likely to be reported when personnel cannot report inefficiencies or unfair management practices without fear of retaliation.

### **Cons**

- No testimony submitted.

### **Considerations**

- Recommend that all future law enforcement officers in California (city, county, CHP, etc.) work in the prison system for two years prior to going into the community. The correctional system would get the best and brightest, and prospective law enforcement officers would get an education.
- Recommend refining the recommendations to take into account the unique rehabilitative mission of the CYA.

## **IRP CHAPTER 3**

### **EMPLOYEE INVESTIGATIONS AND DISCIPLINE**

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#### *ISSUE*

*Ensuring that employees conduct themselves appropriately is an essential function of an employer. The most important administrative tool in achieving that goal is an expeditious and equitable internal investigation and employee discipline process that sanctions those found guilty of misconduct and clears those wrongfully accused. The current system lacks standardized procedures for internal investigations and employee discipline. It also keeps inadequate records of misconduct complaints, use-of-force incidents, internal investigations, and employee disciplinary actions.*

#### *INVESTIGATIONS AND DISCIPLINE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)*

- *Merge internal investigation and staff discipline functions for all Department of Correctional Services divisions into one full-service internal affairs office reporting directly to the secretary. (IRP 03-01)*
- *Establish clear policies and procedures to govern internal affairs investigations, the pre-disciplinary hearing process, settlement negotiations, and employee disciplinary appeals. (IRP 03-02)*
- *Establish a central intake unit responsible for assessing all requests for internal investigations, complaints of staff misconduct, and serious use-of-force incidents. (IRP 03-03)*
- *Implement a vertical investigation team model for all internal affairs investigations. (IRP 03-04)*
- *Replace the existing State Personnel Board (SPB) appeal process with an internal employee discipline appeal panel. (IRP 03-07)*

- *Create a central database to record and track allegations of staff misconduct; serious use-of-force incidents; and all facets of the employee investigation and discipline processes. (IRP 03-08 to 03-10)*

## **PUBLIC COMMENT**

7 comments were received for the recommendations in this section.

4 comments expressed support. 3 comments expressed opposition.

### **Pros**

- Implementation of the recommended changes will greatly enhance CDC and CYA's ability to successfully discipline employees who engage in misconduct.
- The proposal to merge investigations into one internal affairs office supports the idea that the rule of conduct for an investigation should be the same for officer misconduct for youth or officer misconduct for adults.

### **Cons**

- The recommendation that a newly constituted omnibus correctional agency would oversee its own disciplinary process is fundamentally flawed, and could, in all likelihood, lead to increased litigation costs. A corrections agency should not be entrusted with complete autonomy over its discipline system.
- A neutral, outside body is necessary to ensure that disciplinary actions are properly taken and that an employee receives a fair hearing. Shifting the appeal process to an internal affairs office could leave staff facing false charges with little or no recourse.
- The IRP report correctly notes that the relatively low success rate in prosecuting disciplinary actions before the SPB is due to internal problems (how the CDC investigates and prosecutes their disciplinary actions). These same problems will exist regardless of what entity oversees the process. IRP recommendations should address these problems.
- The IRP report fails to properly assess that a large number of CDC employees who are disciplined either never file an appeal with SPB or ultimately withdraw their appeal. A significant percentage of appeals are voluntarily settled. Ultimately, only a small number, and usually the most contentious, go through the SPB adjudicatory process. When

all disciplinary actions taken by CDC in any given year are taken into account, the CDC is successful in approximately 97 percent of those cases.

### Considerations

- The proposal would require an amendment to the California constitution. The constitution currently requires the SPB, as a neutral, quasi-adjudicative body, to review all formal disciplinary actions taken against state civil service employees.

## IRP CHAPTER 4

### USE OF FORCE

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#### ISSUE

*Correctional employees must sometimes use force to control inmates and protect both staff and inmates. Often, the need for force arises in a volatile situation requiring on-the-spot decisions. With the high potential for injury in such circumstances, clear policies governing the use of force are vital. Equally vital is a process for monitoring the use of force throughout the correctional system and for ensuring consistent disciplinary sanctions against employees who violate use-of-force policies or where the use of force is found to have been excessive and/or unnecessary.*

#### USE OF FORCE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Implement a standardized use-of-force policy applicable to all peace officers, but with elements specific to the differences among adult prisons, youth correctional facilities, and adult and youth parole operations. (IRP 04-01)*
  - *Implement an enhanced training program covering the new use-of-force policy. (IRP 04-02)*
  - *Create a classification list of use-of-force consequences and acts that will mandate an investigation by the use-of-force investigation team. (IRP 04-05)*
  - *Require investigations of inmate/parolee/ward/citizen complaints regarding use of force and consider the complaint during the use of force review and critique process. (IRP 04-06)*
  - *Establish a standardized statewide network database for use-of-force incidents that defines critical facts relative to use of force. (IRP 04-07)*
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## **PUBLIC COMMENT**

2 comments were received for the recommendations in this section.  
1 comment expressed support. No comments expressed opposition.  
1 comment was neutral.

### **Pros**

- Specific discussion in support of these recommendations was not received.

### **Cons**

- No testimony submitted.

### **Considerations**

- Recommend replacing the term “use of force” with “compliance techniques.” This alternate term denotes that the prison and youth staff is attempting to encourage an inmate to comply with lawful orders, rather than using force.
- The recommendations should be refined and implemented to take into account the unique rehabilitative mission of the CYA.

## **IRP CHAPTER 5**

### **PERSONNEL AND TRAINING**

#### *ISSUE*

*In any successful organization, it is important to hire the best people available and train them to do their jobs with professionalism and integrity. In addition, an organization should provide a process that allows the best and brightest to be promoted into leadership positions. Currently, the state’s correctional departments and boards fail in both respects. A hiring plan is nonexistent, and background investigations for applicants are weak. The academies that instruct in the fundamental components of sworn officer jobs are under various administrators and are disjointed. There is no systematic plan to provide uniform in-service training. Supervisory and mid-management training is minimal, and command training or executive development is absent. Further, current job descriptions for most key positions are nonexistent or outdated, and no centralized office to manage personnel resources exists.*

#### **PERSONNEL MANAGEMENT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)**

- *Establish an Office of Personnel and Training reporting directly to the Secretary of the Department of Correctional Services. (IRP 05-01)*

- *Conduct classification evaluation of all positions to ensure appropriateness of classes and to promote efficient use of human resources. (IRP 05-02)*
  - *Adjust salaries to be commensurate with responsibility and conduct periodic salary adjustment studies. (IRP 05-06)*
  - *Develop an annual recruitment plan to ensure the recruitment and retention of qualified employees. (IRP 05-08)*
  - *Award hiring preference points for peace officer applicants with college credits, law enforcement experience, and/or military experience. (IRP 05-11)*
  - *Ensure that all pre-employment background investigations are thorough and contain certain mandatory components to ensure that the department is protected from “at-risk” applicants. (IRP 05-14)*
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## **PUBLIC COMMENT**

14 comments were received for the recommendations in this section.

8 comments expressed support. 2 comments expressed opposition.

4 comments were neutral.

### **Pros**

- Adjusting salaries addresses an acute situation. State salary levels are so low that it is impossible to attract people from outside state service. This situation is particularly significant in the prison health care system.

### **Cons**

- No analysis has been conducted to establish that the proposed incentive points added to a peace officer applicant’s test scores have actual bearing on the suitability of a candidate for assignment as a peace officer.
- Experience has shown that the CDC and CYA do not have the professional staff or requisite technical expertise to conduct psychological screening of pre-employment peace officers or to attend to the legal issues that accompany such screening.
- Protection of the job candidate’s privacy and confidentiality rights is better served by an outside program that operates independently of the hiring department.
- Preservation of the integrity of the screening process is better served by an outside program that is not subject to pressures that may arise in the hiring process, such as managers interceding to press for a favorable (or unfavorable) rating of a candidate.



### **Considerations**

- It would be helpful to evaluate classifications and see if the right number of positions exists to fulfill needed functions. Recommend that CYA analyze the number of correctional officers compared to counselors, as changing the institutional culture may require additional counselors.
- Suggest that a psychological evaluation be done as part of the recommended applicant background check. Also recommend that current staff be psychologically evaluated bi-annually, with terminations made as necessary.
- Parole agents offer the experience of conducting interviews and investigations in the communities. The Parole Division should be allowed to conduct pre-employment investigations for parole agents in each region. Investigation results would be submitted to Department of Corrections as the hiring authority.
- The recommendations may conflict with the CPR recommendations that departments be given greater flexibility in designing selection processes that best meet the department's needs.
- Suggest increasing academic standards for all correctional officers. Staff should be required to have at least two years of community college. Upper management should hold at least two years of advanced education and wardens should have at least two years of management training.
- Currently correctional officers and supervisors receive pay for college degrees. When a person is promoted to manager, the college pay is taken away. As such, the recommendation should address whether managers and division heads will be included in future pay for education and given salary adjustments commensurate with education.
- Under the current system, there is little incentive for promotion. Salary compaction is a serious issue, and some rank and file positions actually earn more than their managers.
- The State Personnel Board's psychological screening program is nationally recognized as a successful model, and has withstood all legal challenges brought against it.

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### TRAINING SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Consolidate the basic academies for youth and correctional peace officers. (IRP 05-21)*
  - *Eliminate the Commission on Correctional Peace Officers Standards and Training (CPOST). (IRP 05-33)*
  - *Move the responsibility and resources for setting standards for training of state correctional peace officers to the new Corrections Standards Authority. (IRP 05-35)*
  - *Implement a 30-minute pre-shift briefing for all DCS frontline peace officer positions and their supervisors. (IRP 05-42)*
  - *Establish an eight and one-half hour workday for all DCS frontline peace officer positions and their first-line supervisors. (IRP 05-45)*
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### PUBLIC COMMENT

7 comments were received for the recommendations in this section.  
2 comments expressed support. No comments expressed opposition.  
5 comments were neutral.

#### Pros

- Eliminating CPOST and transferring its functions to CSA would streamline services and provide for a more responsive entity.

#### Cons

- No testimony submitted.

#### Considerations

- If responsibility for setting training standards for state correctional peace officers is transferred, it will be important that employees working with the inmate population continue to be properly trained in identifying, reporting, and investigating prison crimes.
- Consolidating training makes sense for those instructional needs that are common between the adult and juvenile systems. However, the recommendation should take into account the unique rehabilitative mission of CYA and address the specific training needs of people who work with youth.
- Although the report appropriately emphasizes development of custody staff, it is important to recognize that there are other components within the correctional system such as medical and business services. These personnel also need training and development in their career paths.

- A 15-minute pre-shift briefing may be adequate. The next 15 minutes could allow staff to get to their post without creating disruption in their current institution programs.
- There was mixed response to the proposed change to the workday. Most employees may not want to work more than eight hours per shift. On the other hand, twelve hour shifts for custody staff could help increase staff morale, reduce sick leave, and improve continuity of programming.

## IRP CHAPTER 6

### RISK MANAGEMENT AND HEALTH CARE

#### ISSUE

*Operating an adult and youth prison system exposes the state to many risks. It must protect the safety of its employees. Simultaneously, it must provide humane housing and care for tens of thousands of inmates and wards. When poorly managed or ignored, the risks translate into injured employees, inmates, or wards and sometimes result in costly lawsuits or court settlements. An assessment of current risk management practices revealed a need for significant change. There is also significant risk in the current system for providing health care services to inmates and wards, which has frequently been criticized for poor management and low quality of care. Health care also represents the largest litigation expense for the department.*

#### RISK MANAGEMENT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Establish an Office of Risk Management in the new Department of Correctional Services. (IRP 06-01)*
- *Establish an executive-level Risk Management Committee, a Risk Management subcommittee in each region, and a Risk Management Coordinator position at each institution. (IRP 06-03 to 06-05)*
- *Develop an annual risk management plan that provides specific risk management objectives for the department during the next year. (IRP 06-06)*
- *Revise the California Code of Regulations to identify specific types or issues of appeals that can and cannot be filed at the next level after an appeal is denied. (IRP 06-16)*
- *Develop clear and concise regulations that require wardens, parole administrators and executive staff to be interactive in the appeals/grievance process as a risk management function. (IRP 06-17)*
- *Propose legislative changes to the California Government Code to eliminate the applicability of the Administrative Procedures Act (APA) to the new Department of Correctional Services. (IRP 06-21)*

## **PUBLIC COMMENT**

4 comments were received for the recommendations in this section. 2 comments expressed support. 2 comments expressed opposition.

### **Pros**

- The recommendation to identify which appeals can and cannot be filed at the next level would provide clear guidelines for inmates and corrections staff.
- Exempting the new department from the APA could streamline and improve services. Any new regulation and revisions to existing regulations would still be subject to public scrutiny through the Civilian Corrections Commission.

### **Cons**

- More specific regulations for the inmate grievance system may not solve current problems, which include a failure to provide timely response, destruction of grievances by employees, and management inability to use grievances to identify and respond to problems.
- The APA provides opportunity for public comment on proposed regulations and fosters accountability and transparency. Current problems are based on internal issues, not the APA.

### **Considerations**

- Serious consideration should be given to having an outside agency responsible for the operation of the inmate grievance system.

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## *HEALTH CARE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)*

- *Establish an Office of Health Care Administration. The objective of the new Office of Health Care Administration should be to establish a new system of health care based on managed care practices. (IRP 06-23 to 24)*
- *Establish a top-level health care administrator to manage the Office of Health Care Administration. Support this position with experienced program managers, resulting in a new, streamlined central office function. (IRP 06-25)*
- *Conduct a salary survey to demonstrate the salary levels required in order to obtain the experienced managers needed to manage this complex process. (IRP 06-27)*
- *Utilize the litigation management section of the Office of Risk Management of the new department to provide monitoring and implementation of court-ordered requirements. (IRP 06-28)*

- *Establish an agreement with the University of California (UC) for the development and operation of a pilot project at a defined group of institutions. (IRP 06-29)*
- *Provide a transitional organization that will establish contracted health care services at the regional and local level in areas where the university pilot project is not yet operational. (IRP 06-30)*
- *Establish a management group with members from the new department with university involvement to plan and implement the transition from current operations to the new planned health care provision. (IRP 06-31)*
- *Utilize private health care providers for management and provision of all health care direct services by clinical specialty. (IRP 06-32)*
- *Purchase and implement a statewide pharmacy database system. (IRP 06-33)*
- *Transfer responsibility to the Department of Mental Health for mental health care of seriously mentally ill inmates and wards. (IRP 06-34)*
- *Ensure that the private health care provider contracts are managed specifically by designated, experienced program managers in the regions, overseen by program managers in the new central office. (IRP 06-35)*

## **PUBLIC COMMENT**

23 comments were received for the recommendations in this section.  
7 comments expressed support. 10 comments expressed opposition.  
6 comments were neutral.

### **Pros**

- Establishing an Office of Health Care Administration would provide the oversight, standards, and accountability that is greatly needed.
- Identifying a top-level health care administrator to manage the Office of Health Care Administration and creating a centralized office will be essential to implementing corrective actions.
- Experience suggests that correctional settings are typically disfavored by clinicians. The recommendation to provide competitive salaries and benefits will be essential to overcoming this situation.
- The proposed supervision of mental health services by the Department of Mental Health, not the medical department, is a good idea.

### **Cons**

- The use of UC services may not be particularly cost-effective. According to submitted comments, the UC charges one and a half times the average rate, sometimes as high as three times the average

rate. The proposed partnership with the UC could cost the state significantly more money.

- Many prisoners suffer from a variety of conditions that cut across clinical specialties. The recommendation to use private health care providers could fragment services and compromise the continuity and quality of health care.
- Private providers are often unprepared for what they face in correctional settings and may find it challenging to work in the prison medical system.
- Instead of contracting out, the system needs to recruit and retain experienced state workers. Increasing retention would require better management, better resources, higher salaries, and an equitable career ladder.
- The IRP report states that registries charge a higher hourly rate than that paid to department employees and that registry staff is unfamiliar with department practices and policies. The health care recommendations appear to continue this failed policy under the guise of single source contracting with UC or an HMO.

### **Considerations**

- UC is willing to enter into a dialogue to help evaluate new approaches that could make California's prison health services more efficient and effective. UC would enter into those discussions with the understanding that it has no plan or ability to increase direct provision of health care to inmates. Participation in these discussions would not presuppose UC involvement in any recommendations, given its primary training and research mission and limited resources.
- Managed care is a term that the public currently associates with limitations on care. The expectations of the proposed health care system should be more explicitly stated.
- The notion of simply transferring mental health care to the Department of Mental Health, or any other entity, could be a prescription for failure. Urge consideration of the fact that mental health care in a correctional setting should be a collaborative effort with shared responsibility, accountability, and credit.
- Transferring responsibility for mental health care to the Department of Mental Health could result in higher systematic access to staff and state of the art knowledge. At the same time, it may create a system where it is more attractive to send mentally ill persons to prison or CYA.

- The recommendations for improving mental and medical health care seem primarily motivated by fear of litigation, rather than a commitment to providing appropriate conditions and treatment.
- Recommend that the plan take a broader approach to risk management. For example, juvenile and adult inmates with serious mental health problems are expensive to serve in state institutions. Risk management could explore the possibility of treating some mentally ill offenders in a more effective, less expensive local setting. This approach could offer a strong alternative to reducing the cost of imprisonment and risk of litigation.
- Pharmacy management is a critical component of effective medication management as well as control of medication costs. It may be challenging to effectively use the proposed database for this purpose.
- Pharmacy personnel in the field should be further consulted and asked to provide feedback on the IRP recommendations related to prison pharmacies. There are other models in the field that work and may present better options than those included in the report.

## IRP CHAPTER 7

### INMATE/PAROLEE POPULATION MANAGEMENT

#### ISSUE

*California's prison system presently holds more than 162,000 adult inmates, with another 114,000 former inmates under state parole supervision. The size of the prison population has resulted in part from tough-on-crime sentencing policies, but the state has also been widely criticized for fueling the numbers by not doing a better job of preparing inmates to return to society. Approximately 90 percent of state prison inmates are eventually released on parole, and at present, more than half return to prison. California can reduce the growing cost of managing its adult prison population by addressing three key factors: the length of time inmates serve in prison; the training and treatment they receive during incarceration; and the parole services they receive to help them remain crime-free and successfully integrate into society.*

#### POPULATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Begin to create the environment in the prisons that is needed for inmate programs to be effective, which requires the following:*
  - *Implementation of a Violence Control Program.*

- *Opening up program space by reducing prison population through lower returns to custody.*
  - *Adding staff necessary to implement specific, effective inmate programs.*
  - *Exploring creative measures for the use of existing resources. (IRP 07-01)*
  - *Develop an interagency agreement with one of the state universities that is active both in corrections education and in research to undertake the responsibility for population projections. (IRP 07-02)*
  - *Undertake a project to determine the appropriate standard staffing required for the operation of each type of institution, including management, custody, health care and all other programs. (IRP 07-03)*
  - *Charter a commission with appropriate members from the judicial and corrections fields to develop a presumptive sentencing model. The model would apply only to sentences for offenses that are not subject to "two-strikes," "three-strikes," or other life terms. (IRP 07-04)*
  - *Modify the Penal Code to allow inmates to earn supplemental sentence reduction credits after they complete specified education, vocational, or drug-treatment goals. (IRP 07-05)*
  - *Establish a program to identify older inmates who could be safely released early from prison. (IRP 07-06)*
  - *Renew contracts with existing privatized correctional facilities and consider reentering into contract agreements with previously closed facilities to provide the beds needed for the Level I population. (IRP 07-07)*
- 

## **PUBLIC COMMENT**

17 comments were received for the recommendations in this section.  
7 comments expressed support. 6 comments expressed opposition.  
4 comments were neutral.

### **Pros**

- Previous population forecasting has been inaccurate. Giving university researchers the responsibility for forecasting will help provide transparency. In addition to publishing population projections, researchers should share their actuarial assumptions and supporting raw data.

### **Cons**

- A new presumptive sentencing model should not be developed as a way to reduce the inmate population. The existing presumptive sentencing model, determinate sentencing, is a triage model with the presumption being the middle term. Decisions to reduce



prison sentences should be based on accountability, not financial considerations.

- The recommended sentencing changes could diminish confidence in the corrections system and result in the premature release of dangerous offenders.
- Current law allows opportunities for work time credits in different education programs. The recommendation to allow inmates to earn supplemental sentence reduction credits should be strictly limited to those inmates who have successfully completed the obligations required under specified programs.
- The recommendation to identify elderly prisoners for early release sends the wrong message. Judgments provide finality in sentencing and closure for victims. Releasing prisoners based upon aging factors would release them without full accountability for their crimes. Public safety should not be risked for the sake of saving resources.

### **Considerations**

- Overcrowding is the single biggest reason for the problems in the correctional system. The size of the prison population has overburdened the system, reduced management flexibility, and made rehabilitation an afterthought. Without a reduction in the prison population, reorganization will not matter.
- The report recommends renewing contracts with privatized correctional facilities. The rationale for adding capacity at the same time that the prison population is estimated to decline is unclear.
- In addition, recommend the continued use of Community Correctional Facilities. These facilities reduce state costs through lower operating costs, reduced overcrowding, and work opportunities/early release. Request that correctional system leadership be more open to the use of these facilities.
- Consider passing a law authorizing the release of non-violent inmates anytime during the last 30 to 60 (or even 90) days of completion of their term. This release feature could result in significant annual savings for the state.

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EDUCATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Provide inmate planning and re-entry assessment at the time of initial incarceration. (IRP 07-08)*
  - *Expand education and vocational programs. (IRP 07-10)*
  - *Promote education program attendance by implementing presumptive sentencing. (IRP 07-11)*
  - *Fully implement the bridging program and evaluate the academic effectiveness and sentence reduction benefits. (IRP 07-12)*
  - *Expand college correspondence courses and conduct ongoing evaluation of their effect on recidivism. (IRP 07-13)*
  - *Implement on-line college programs. (IRP 07-15)*
  - *Track education program participation against parole success (and recidivism). (IRP 07-16)*
  - *Debrief successful parolees during their last scheduled parole agent contact to determine whether education programs affected their success. (IRP 07-17)*
  - *Develop a statewide computer database to track inmate education assessment and classroom achievement. (IRP 07-18)*
- 

**PUBLIC COMMENT**

18 comments were received for the recommendations in this section.

14 comments expressed support. 1 comment expressed opposition.

3 comments were neutral.

**Pros**

- Changing the mission of the correctional system from one focused on punishment to one of rehabilitation is an important recommendation. It is important to consider the consequences of designing a prison system that is not based on sending people back to their communities.
- The recommendation to provide inmate planning and re-entry assessment at the time of initial incarceration will help the prison system to gear its services towards prisoner needs from a very early point.
- Implementing educational and vocational programs will motivate inmates to better themselves through education and self-help instruction, increase inmate employability, and better prepare offenders for release from prison.

- Expanding college correspondence courses and implementing on-line college programs will provide prisoners with more educational opportunities to better themselves.
- Ongoing evaluation of education program participation with parole success will help determine how education affects recidivism. A debriefing of successful parolees could also help corrections officials evaluate the impact of education programs.
- The development of a statewide computer database will help track prisoner progress and allow the department to base education programs on prisoner needs.
- Programs such as the ones suggested in the report may cost state funds to implement, but could have long-term cost savings.

### **Cons**

- Credit opportunities for different educational programs already exist. Strict policies should be in place to ensure that programs are successfully completed before work time credits are awarded.

### **Considerations**

- If the long-term goal is to assist adult inmates in reintegrating into their community, consider establishing a separate office for educational services under the Director of Adult Operations, as is recommended under the Director of Youth Operations.
- Since education is a continuous scope and sequence of learning, consider combining some operations and resources (library, curriculum, training, personnel), and using them in the same fashion as a school district that has both K–12 and adult education.
- Mandatory education should be part of an inmate's rehabilitation, along with small group encounters to work on dysfunctional behavior. If an inmate refuses either of these offers, then they should serve every day of their sentence.
- In order for an on-line learning solution to be successful, the inmate must be motivated to learn. True academic and vocational education might be better accomplished with direct and continual contact between an instructor and a student.
- Professionally managed correctional libraries provide opportunities for continuing adult education, access to the courts, and electronic information literacy. The California system has a capable library director who should be consulted about how the library program can enhance the operation of each facility.

- The presupposition that there is one universal panacea program and that new programs are needed is wrong. Successful programs, whether they are religious, motivational, or psychological, provide and expect approximately the same success rate: 78–85 percent reduction in recidivism and lowering of incidents within an institution. The current problems reside in the process and delivery of programs. The solution is threefold and requires responsibility, authority, and accountability.

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#### PAROLE OPERATIONS SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Continue implementation of the Department of Corrections new parole model. (IRP 07-24)*
- *Begin preparation for re-entry when the offender enters prison. (IRP 07-26)*
- *Increase the number of substance abuse treatment beds in the community by increasing funding for programs that are proven successful. (IRP 07-28)*
- *Use the needs and risk assessment tool when the inmate first enters prison and design a programming plan that addresses those needs. (IRP 07-29)*
- *Discharge parolees who are determined to be very low risk from parole three months after they are released from prison. (IRP 07-30)*
- *Consider the use of global positioning satellite tracking for certain high-risk offenders. (IRP 07-31)*
- *Allow both high- and low-risk parolees to participate in treatment and training programs. (IRP 07-32)*
- *Add a quality control feature to the new parole model programs to measure effectiveness. (IRP 07-33)*
- *Develop a comprehensive data collection and analysis system that measures the effectiveness of the department's parole programs. (IRP 07-35)*

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#### PUBLIC COMMENT

12 comments were received for the recommendations in this section.  
9 comments expressed support. 1 comment expressed opposition.  
2 comments were neutral.

##### Pros

- Continuing implementation of the Department of Corrections, new parole model will help prisoners prepare for re-entry into the

community once they have finished serving their term. It may also reduce recidivism while holding parolees accountable for their actions.

- Increased substance abuse treatment may result in fewer revocations and returns to local and state facilities.
- Using the needs and risk assessment tool when an inmate enters prison and then designing a programming plan that addresses those needs will help a prisoner's re-entry into the community and may help to reduce recidivism rates.
- The use of global positioning satellite tracking for certain high-risk offenders is a good recommendation that will allow dangerous offenders to be monitored once released into the community.
- Adding a quality control feature to new parole model programs will help to evaluate which programs are helpful and effective.
- It is important to measure the effectiveness of parole programs in order to improve services and determine the best use of resources. The recommendation to develop a comprehensive data collection and analysis system will provide this information.

### **Cons**

- The recommendation to discharge low-risk parolees from parole three months after their release from prison does not clearly define "low-risk." A clear set of criteria to determine whether an inmate is low risk should be established. This criteria should be based upon a study of recidivism rates for such parolees.

### **Considerations**

- Assigning parole agents to each institution is not sufficient. The parole program should be an intensive program with two modules: The first part when the inmate is first received within the institution and the second part during the last year with different trainers from the community in different needs areas.
- Consider contracting with the counties to provide parole supervision and allowing parole violations to be handled via the local justice system. Providing local prosecution and disposition of technical violations in the same way felony probation violations are handled could decrease technical violation rates.

## IRP CHAPTER 8

### WARD/PAROLEE POPULATION MANAGEMENT

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#### ISSUE

*Providing education, training, and treatment to youthful offenders is central to the mission of the California Youth Authority (CYA). In recent years, the number of youthful offenders in California correctional facilities has fallen by almost half, from 10,114 in June 1996 to 4,879 in June 2003, with the number expected to decline to 3,740 by June 2009. Most of the youths now committed to state custody are proportionately more violent and have significantly greater needs for mental health care and other program services compared to the youths of earlier years. At the same time, the state is under increasing challenge from the public, lawmakers, and the courts for failing to provide humane and constitutionally adequate conditions of confinement for incarcerated youths and for not providing adequate education and treatment services.*

#### EDUCATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Establish a separate unit in the Office of the Director of Youth Operations to develop and implement educational and vocational training programs proven to be effective in the treatment of youthful offenders. (IRP 08-01)*
  - *Develop a “school first policy” to reduce student absenteeism. Measures to be taken should include a master schedule for each institution that plans activities around the school schedule to avoid interruptions in the school day for counsel. (IRP 08-02)*
  - *Determine the most effective teacher-student ratios for general education, special education, and segregated program settings, including an accurate formula for counting wards with multiple disabilities. (IRP 08-05)*
  - *Determine the most effective substitute teacher relief ratio to cover teacher absences. (IRP 08-06)*
  - *Institute financial incentives to recruit and employ more dual-credentialed teachers in core academic areas who are capable of instructing both regular and special education wards. (IRP 08-07)*
  - *Establish a regular 220-day school year calendar to be followed by all California Youth Authority schools. (IRP 08-09)*
- 

#### PUBLIC COMMENT

5 comments were received for the recommendations in this section.  
4 comments expressed support. 1 comment expressed opposition.

### Pros

- The recommendations calling for staff parity and restructuring funding formulas are long overdue. Apart from funding adequate staff, salaries need to be adjusted to at least match the prevailing pay in the community so that teachers will want to work at CYA.
- Adequate education, as provided for by the recommended 220-day school year calendar, is mandated by law and key to success in the community.

### Cons

- When school is not in session, wards are locked in their cells or sit on their bunks all day. Because the vast majority of wards are behind in their studies and need additional remedial services, a 220-day school year calendar should not be implemented.

### Considerations

- Instead of the recommended 220-day school year calendar, offer financial incentives to teachers who want to work all year. A pool of teachers could be hired to rotate in for those teachers opting for a shorter year.
- The Council of Juvenile Correctional Administrators' performance-based standards call for year-round school programs.

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### COUNSELING AND TREATMENT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Ensure that treatment services provided to wards conform to national standards and are appropriate for addressing the complex problems of youthful offenders. (IRP 08-10)*
  - *Institute a systemwide program similar to the "Enhanced Casework Pilot Program" to improve individual and group counseling services for wards. (IRP 08-14)*
  - *Ensure that effective treatment services are provided to wards identified as sex offenders. (IRP 08-16)*
- 

### PUBLIC COMMENT

All 3 comments received expressed support for the recommendations in this section. No opposing or neutral comments were received.

### **Pros**

- CYA needs to meet national standards and be subject to outside monitoring of these standards.
- If properly implemented, the Enhanced Casework Model could reduce violence and improve parole outcomes.
- Expansion of treatment services is vital. Sex offenders far outnumber the treatment beds in CYA for the population. The waiting time can exceed one year for access to treatment for this population.

### **Cons**

- No testimony submitted.

### **Considerations**

- No testimony submitted.

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#### *PAROLE SERVICES SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)*

- *Adjust the sliding fee scale used to determine how much a county pays the state for housing non-violent wards in the California Youth Authority to more accurately reflect the actual cost of those services. (IRP 08-17)*
  - *Grant committing courts sole authority and final review for revoking parole or probation or for extending length of stay at the California Youth Authority for wards in Categories 5, 6, and 7. (IRP 08-18)*
  - *Provide funding in each parole region for entry programs, aftercare services, transition programs such as halfway houses, and alternatives to parole revocation. The services should include employment assistance and short-term substance abuse treatment. (IRP 08-20)*
  - *Give counties the option of providing parole supervision for non-violent wards in Categories 5, 6, and 7. The state should subsidize the cost of probation services offered by the counties. (IRP 08-22)*
  - *As a result of allowing counties to provide parole supervision for non-violent wards, cut the number of parole agent positions proportionately and allow some of those positions to be re-directed toward the more violent high-risk offenders (Categories 1, 2, 3, and 4) in order to lower the ward-to-parole agent ratio. (IRP 08-23)*
-



## **PUBLIC COMMENT**

10 comments were received for the recommendations in this section.

7 comments expressed support. 3 comments expressed opposition.

### **Pros**

- The recommendation to grant release and revocation authority to judges allows for more local control over the length of stay in CYA.
- Providing funding for entry programs, aftercare services, and transition programs is crucial to giving offenders the best opportunity to succeed upon release.
- It is important to provide aftercare services that build upon the treatment that wards received while incarcerated. The state could improve services by shifting this function to county probation departments, as long as stable and appropriate funding is designated.
- Effective parole case management could be one key to reducing CYA institutional populations.

### **Cons**

- Adjustment of the sliding scale must be reasonable for all counties. The recommended adjustment unfairly impacts small and medium sized counties that do not have the population size or fiscal resources to fund programs at a local level.
- The executive branch, through the Youth Authority Board, not the judicial branch, properly serves the function of revoking parole or probation and extending length of stay. While proposals to help wards prepare for re-entry should be supported, proposals to reduce supervision in the interest of saving state resources are generally unwise.
- The recommended realignment of some CYA parole services to counties would create a bifurcated parole supervision system. A system with both local and state involvement could be costly, inconsistent, and less effective.

### **Considerations**

- The recommendation to grant limited release and revocation authority to judges could be expanded to give authority for all cases. Recommend reviewing the draft manual for “juvenile reentry court” developed by National Council of Juvenile and Family Court Judges.

- The proposed realignment of parole services should not be done in a piecemeal fashion and should include all juvenile court commitments, as well as sufficient funding. Local probation departments have the expertise, skill, and access to local resources to provide services to CYA population, regardless of level.
- In order to improve county capacity for treating low-level juvenile offenders close to home, the state should encourage collaboration among mental health and substance abuse providers, probation authorities, community groups, youth, and affected families.
- The state should consider creating new grant programs to fund evidence-based interventions and promising mental health and substance abuse programs for youth at the local level. Programs that could be funded include: Multi-Systemic Therapy; family-focused wraparound case management systems; and juvenile mental health courts.

## IRP CHAPTER 9

### CLOSURES

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#### ISSUE

*Today, California operates 32 adult prisons, 38 fire camps, and eight youth correctional facilities providing custody for more than 162,000 adult inmates and 4,000 youthful offenders. Not surprisingly, this massive system shows the strains of both its age and its decades-long growth. Adult prisons are severely overcrowded. Youth correctional facilities built decades ago now accommodate far more violent and disturbed youths. Maintenance costs for aging facilities consume an ever-greater share of the corrections budget. Another fundamental shift is now taking place. In the last five years, the number of youthful offenders committed to state custody has fallen by more than half, and recent projections show that the adult inmate population is also now expected to decline.*

#### CALIFORNIA YOUTH AUTHORITY SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Effective January 1, 2005, restrict the California Youth Authority ward population to those under age 21. (IRP 09-03)*
- *Provide judges with the option of imposing “blended” sentences—both juvenile and suspended adult sanctions—for certain categories of serious offenders. (IRP 09-04)*
- *By June 30, 2004, close the Fred C. Nelles Youth Correctional Facility and the Mt. Bullion Conservation Camp according to the existing California Youth Authority Plan. (IRP 09-05)*

- *By June 30, 2005, transfer all female wards from the Ventura Youth Correctional Facility to the Karl Holton Youth Correctional Facility and transfer Ventura's intensive treatment program, special counseling program, and formalized drug program. (IRP 09-06)*
- *By June 30, 2005, re-establish the Ventura Youth Correctional Facility as an all-male institution and fill with male wards from the El Paso de Robles Youth Correctional Facility. (IRP 09-07)*
- *Close El Paso de Robles Youth Correctional Facility. (IRP 09-08)*
- *By June 30, 2006, close the Preston Youth Correctional Facility and transfer the wards to the Northern California Women's Facility, a former Department of Corrections institution, which is presently closed. (IRP 09-09)*
- *Between June 30, 2004 and June 30, 2006, and beginning with open dormitories, reduce the number of wards in living units from 50 to 35. (IRP 09-10)*
- *By June 30, 2009, reduce the number of wards in living units to 25 and decrease staff-to-ward ratio to 1:8. (IRP 09-11)*

## **PUBLIC COMMENT**

13 comments were received for the recommendations in this section. 5 comments expressed support. 5 comments expressed opposition. 3 comments were neutral.

### **Pros**

- The proposed changes in the use of the Ventura facility make sense. The facility is comprised completely of individual rooms and could be used to house some of the most dangerous and predatory wards.
- Smaller living units and improved staffing ratios will help to reduce current levels of institutional violence, address gang problems, and improve outcomes.
- The reduced number of beds and higher staff-to-ward ratio will improve treatment services and allow more individualized therapeutic services for the ward population.

### **Cons**

- Restricting the ward population to those individuals under age 21 is a very complex recommendation, especially in light of Proposition 21. There is no research to suggest that this recommendation would improve public safety.

- This recommendation to limit the CYA population to those under age 21 could have the effect of providing early releases for the most dangerous juvenile offenders. The current system holds juveniles accountable until the age of 25. This standard should not be lowered in the interest of closing facilities to save state resources.
- The recommended option of blended sentencing completely overrides the intent of Proposition 21 to treat the most dangerous juvenile offenders as adults in the judicial system. The judicial system and victims rely upon finality of judgments in criminal court cases. Blended sentencing would remove all such reliability.
- The proposed move of female wards could impact wards, staff, and the local community. Lack of staff training on gender-specific programming at the new facility may impact program effectiveness. The Ventura facility has community-based relationships with volunteers (female fire camp, culinary arts, free venture programs, etc.). Other facilities do not necessarily have these relationships.
- Although the Preston facility should be closed, use of an empty prison for juveniles is a step backward and antithetical to a treatment and rehabilitation mission.

### **Considerations**

- The concept of blended sentencing is not defined in the report. In some states, blended sentencing means initially sending a young person to CYA and then sending them to state prison if they fail to comply with the program. If this is the meaning of blended sentencing, urge opposition to the recommendation. CYA needs to be used as a juvenile institutional system, not a holding place for adult corrections.
- If blended sentencing means providing the option of a juvenile disposition for youth tried in adult court, then the recommendation could address situations where youth are tried as adults but then found guilty of less serious crimes. In those cases, the court should have the option of imposing a juvenile court disposition.
- The recommendations to reduce living unit size and lower staffing ratios should be implemented at once and should not be implemented according to the proposed timeline.
- The recommended changes to living unit size and staffing ratios do not constitute a comprehensive facility plan for CYA and are interim measures. The system needs a comprehensive, professionally developed facility and staffing plan that is driven by current and future custody and treatment needs.

- Two additional pieces—facility design and facility location—should be considered as a part of the recommendations to reduce living unit sizes and improve staffing ratios.
  - Rather than closing whole institutions and moving the population to existing ones, the report should add a planning piece for remodeling or replacing outmoded prison-like juvenile facilities. Facility design should create an environment that is conducive to positive behavior management, education, and recreational programs.
  - The placement of CYA facilities also needs to be examined. Research points to the benefit of having regular family contact and involvement in treatment and rehabilitation. The recommended closure plans concentrate many wards in Stockton, which may impact family visits. The planning process should explore the potential for creating smaller programs, such as a mother/infant program in Los Angeles.
- When reviewing closure of CYA facilities, consider the impact to CYA staff and their families. Consider past difficulties that CYA employees had when transferring to corrections, and ease this process.
- Consider developing a plan to replace all CYA facilities with small (50 bed), community-based facilities that focus on youth development, education, job training, rehabilitation, and treatment. These facilities could be managed by a new Department of Youth Development that is outside of the Department of Corrections.
- The size of living units should be reduced to have no more than 20 youth in each unit.
- Consider closing all juvenile beds in adult prisons and jails, and prohibiting the future lockup of anyone under the age of 18 in adult facilities.

## IRP CHAPTER 10

### LABOR CONTRACT

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#### ISSUE

*In any organization, a balance must exist between management's obligation to direct the activities of the department goals and a union's obligation to ensure that its members receive just wages and work in a safe and fair environment. Historically, influence and power has shifted between these two entities in the California correctional system. The agreement between the state and the California Correctional Peace Officers Association, which is in effect from July 1, 2001 until July 2, 2006, has resulted in an unfair and unworkable tilt toward union influence. The agreement contains numerous provisions that seriously undermine the ability of management to direct and control the activities of existing correctional departments and the proposed Department of Correctional Services. It is unclear whether adjustments can be made to the current agreement, but several changes should be considered in negotiating a new agreement.*

#### LABOR CONTRACT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *The Secretary of the DCS should be responsible for negotiating all matters that involve the management of the department. (IRP 10-01)*
  - *The California Correctional Peace Officers Association should not be guaranteed a seat on management committees just because an employee the union represents is on the committee. (IRP 10-03)*
  - *The California Correctional Peace Officers Association should not be a member of any committee that reviews staff assaults. (IRP 10-04)*
  - *Adverse action and citizen complaint documents should not be purged from an employee's files. (IRP 10-07)*
  - *Seniority should not be used for transfers, overtime, and assignments. (IRP 10-08)*
  - *The present 70-30 percent rule for assignments and overtime should be eliminated. (IRP 10-10)*
- 

#### PUBLIC COMMENT

9 comments were received for the recommendations in this section.  
5 comments expressed support. No comments expressed opposition.  
4 comments were neutral.

##### Pros

- Managers currently do not have control over their employees and do not have the tools to do their jobs effectively. No organization can function properly when the employer can only assign three out of ten

employees and employees with the least experience are placed in the most difficult positions.

- In the late eighties, there was an incentive to do good work and to earn the reward of a specific job. The Post and Bid system has created complacency and the feeling that an officer does not have to work hard anymore to be rewarded.

### **Cons**

- No testimony submitted.

### **Considerations**

- Wages and benefits are negotiation rights that should be reserved for the Governor and Legislature. However, only the department secretary is in a position to ascertain how proposed agreements could affect long-range planning and operations. The recommendations should clarify whether the secretary is the deciding factor during negotiations.
- Concur with the review panel that the culture of the present prison structure is the principal ingredient in a recipe for abuse. Over-empowerment of the union and self-policing policies have allowed and protected prisoner abuse.
- Once performance issues arise, very little is done to correct the employee. Management must be stronger in dealing with misconduct and the union must deal with areas that relate to their members rather than overseeing policy and hiring practices.
- The proposed changes to the Post and Bid process raise some concerns. It is possible that a supervisor could change an officer's job, watch, and days off based solely on personal reasons.

## **IRP CHAPTER 11**

### **INFORMATION TECHNOLOGY**

#### *ISSUE*

*Information Technology at the Department of Corrections has been consistently underfunded and neglected. The components of the information technology structure have been developed independently, resulting in inconsistent, decentralized systems. Consequently, information technology is inadequate to allow the correctional system to fulfill its current responsibilities or those envisioned by the objectives presented in the IRP report.*

INFORMATION TECHNOLOGY SOLUTIONS  
(ADDRESSED BY PUBLIC COMMENT)

- *Consolidate all correctional information technology into one major organizational structure under the direction of a Deputy Secretary for Information Technology, who will act as the Chief Information Officer. (IRP 11-01)*
  - *Incorporate into budget and personnel planning a strategic plan for information technology infrastructure development, maintenance, and replacement. (IRP 11-02)*
  - *Establish and maintain proper levels of technology support staffing for both existing and new systems. (IRP 11-09)*
  - *Establish specific core enterprise-wide databases to facilitate the effective operation of the Department of Correctional Services. (IRP 11-10)*
- 

**PUBLIC COMMENT**

4 comments were received for the recommendations in this section.  
2 comments expressed support. No comments expressed opposition.  
2 comments were neutral.

**Pros**

- IT staff are misunderstood as a whole in the field, and their value often underrated. Centralization of staff resources would provide for value-based supervision and consolidation of skill levels that can be applied to specific problem areas.
- Top prison officials cannot properly manage operations because there is no information system to collect quantitative data, and no mechanism to recognize and remedy problems within the system. The recommendations related to automation and technology should be made a key priority.

**Cons**

- No testimony submitted.

**Considerations**

- The panel could have raised additional points about the monetary savings that a working information technology infrastructure can achieve. For example, the prison system's food system takes bids based on estimates of inmate population rather than actual count. Having real time inventory and supply chain information could reduce over-ordering and save money.



## **CORRECTIONS REFORM**

### **ADDITIONAL COMMENTS, ISSUES, AND IDEAS**

#### **OVERVIEW**

The public review process provided some important perspectives on the findings and recommendations of the Independent Review Panel. Public comments identified further issues within the state's correctional system and offered new ideas for reforming the system's organization, operations, and outcomes. Where appropriate, these comments have been included in the preceding discussion of IRP recommendations. This section presents those issues and ideas that did not fit within the existing IRP framework.

#### **General Comments**

- Many of the proposals require funding, which has been taken away in recent years. Implementing the IRP recommendations will require the state to grapple with the issue of funding and how to reprioritize spending.
- Doing a search and finding not one instance of the word “women” in the Executive Summary exemplifies how women are routinely ignored. Women bring unique issues with them to prison, such as family, pregnancy, and medical needs, yet they are put in a system where aspects of security, training, and treatment are geared toward male inmates. The total report contained only one paragraph devoted to female inmate medical concerns.
- California does not play much of a role in the professional correctional associations. The IRP report did not appear to address this area.
- The report did not appear to mention the inability of inmates to give interviews to the news media. This ban has inhibited the public's ability to discover what happens inside the state's prisons. Consider lifting this ban.
- The recommendations should address compliance with Section 504 of federal law and the Americans with Disabilities Act. Although the Department of Correction's Disability Placement Plan is intended to designate facility sites for the placement of qualifying inmates and parolees with permanent mobility, hearing, visual, and speech impairments of such severity as to impact placement, hundreds of cases still exist where compliance is not enforced.
- The report did not cover the pervasive amounts of drugs available to inmates. These drugs can only be brought in by persons who are not subject to search when entering prison. Those persons are most likely

prison guards. This is a serious subject that demands immediate inspection and punishment of those who provide drugs to inmates.

- The recommendations will never work unless a team of first line staff from all correctional departments is formed for implementation. This team should include representatives from several different prisons and should not be overlooked directly by corrections personnel.
- The report fails to address corrections as a system, meaning that all state correctional agencies and the counties are part of a system. It is important to acknowledge the role that local decisions (arrest, sentencing, rehabilitation, etc.) play in the size of the prison population. Crowded conditions at the local level make counties more likely to push people into the state system. The report should address this relationship and potentially include incentives for cities and counties to develop alternatives to imprisonment.
- The report does not address one important issue for lowering the recidivism rate. Inmates need family ties when they are released back into society. The cost of calls, difficulty in visiting, and conditions when visiting may drive families away, making the support of an inmate very difficult. Even if education programs are implemented, an inmate without family support will remain at risk of returning to the prison.

### **New Ideas**

- Suggest imposing a 10 percent non-refundable fee on all bail bonds, traffic and parking tickets. Use of these funds could be restricted to recruitment, education and training activities for correctional officers. Also recommend that one percent (.01) of the fee be returned to local jurisdictions to cover the cost of administrative handling and collection services.
- Consider revising the current CDC classification system that adds points (increases custody level) based on young age of first arrest/commitment. This system means that young offenders are placed in higher level facilities where there is heavier gang influence and less programming.
- Recommend establishing a statewide taskforce of youth and parents who have experienced the youth correctional system, community leaders, public officials, and legislators to reduce reliance on lockups with a mandate to reduce detention and incarceration rates by 75 percent by 2010.

- Consider offering counties financial incentives for reducing the length of stay in juvenile halls, expanding use of alternative programs, and addressing disproportionate confinement of youth of color.
- Integrate regular family contact and involvement. Place youth with a facility within 60 miles of their home community. Stop the ability of the CYA to add time on to services for punishment.
- For every dollar used to incarcerate a young person, spend an equal or greater allocation of funds to support community-based, owned and operated alternatives to detention and incarceration.
- Recommend pushing for a moratorium on sending any more youth to CYA until the state can guarantee the safety, development, and rehabilitation of youth in its care.
- Drugs are the medium for gang influence in prison. Recommend that the state test all inmates for drug use. If an inmate believes that he or she has a good chance of being caught, drug use will likely decline. The state of Pennsylvania and the federal system are good examples of this policy.
- Consider a faith-based and community initiatives program in all state programs. The correctional system should develop a more creative relationship with existing prison ministries.
- Consider reducing parole violation terms for simple drug use to two months or even one month. This proposal could result in significant cost savings for the state.
- Consider paying counties to incarcerate selected convicted offenders sentenced to serve less than a year in state prison. This proposal could make the prison population more manageable and result in cost savings for the state.
- The report does not mention food service or overpayment of food vendors. There needs to be a better review of food/equipment purchases to determine whether procedures could be more efficient and effective. Consider an audit of expenditures in other areas of the correctional system, such as business services.
- Recommend sabbaticals for personnel at the management/associate level. Such a system would allow staff to gain private sector experience and then apply this knowledge to state government.

## PS 01

### CREATING A DEPARTMENT OF PUBLIC SAFETY AND HOMELAND SECURITY

#### ISSUE

*In California, authority and responsibility for public safety—law enforcement, fire and emergency management, homeland security, and victim services are divided among more than 80 separate state entities. This creates confusing command structures and causes miscommunication and inoperability between entities.*

#### SOLUTIONS

- Consolidate state government entities responsible for public safety into a single Department of Public Safety and Homeland Security.

#### PUBLIC COMMENT

26 comments were received for this recommendation. 10 comments expressed support. 13 comments expressed opposition. 3 comments were neutral.

#### Pros

- Consolidation of entities will encourage meaningful coordination and communication between law enforcement agencies, helping to shift separate agency agendas to a common focus on public safety issues.
- A unified Department of Public Safety and Homeland Security would support accountability, economies of scale, and uniform standards across law enforcement.
- Streamlined purchasing and training could save the state a significant amount of money.
- Past experience shows that the criminal justice system benefits when victim advocates work closely with law enforcement, the prosecution, and other agencies. The new department will promote collaboration without giving up the independence of agencies providing services to victims.

#### Cons

- The effort to homogenize public safety and emergency response into one agency seems to ignore inherent differences between police and fire (mission, training, duties, etc.).
- Splitting the resource management and fire practice functions of the California Department of Forestry and Fire Protection (CDF) between

## PS 01

*"The State of California needs a unified force to protect the people. Our state has not been hit by terrorism yet, but by having all the different departments that do not work together will not help in this effort. Also it is a waste to have all the different departments purchasing items and training separately. Good job on law enforcement reform!"*

Hallie Ambriz  
CPR Website

departments may impact fuel reduction projects and damage the integrity of CDF's "total force concept."

- Merging CDF with other entities may not assist efforts to accomplish organizational mission and potentially cause the agency to be subsumed by other fire departments.
- The proposed organizational structure could create communication issues between emergency services. For example, aligning OES with fire protection rather than law enforcement could impact person-to-person communication.

### **Considerations**

- Although there is a need for the department, more in-depth analysis of terminology, state responsibilities, and agency mission and duties could improve the proposed organization. This analysis could develop a command and control designed around roles and responsibilities.
- When consolidating services, it is important to ensure that all officers receive training on enforcement and investigations.
- Cooperation and interoperable communications may work just as well as merging functions.
- Recommend that the department secretary have a diverse background in both fire safety and law enforcement, as the breadth of responsibility demands well-rounded experience in both areas.
- Recommend that the department designate minimum qualifications for at least one deputy secretary. Qualifications could include: California Chief Officer Certification; 15 years progressive experience in the fire service; experience managing a large fire protection organization; and skills in strategic planning, budget management, and communication.
- It is recommended that the Division of Fire Protection and Emergency Management be established as a department, rather than a division.
- The proposed department appears to include all aspects of California law enforcement, with the exception of the Department of Justice. Since the Department of Justice has several investigatory bodies, consider including it in the new Department of Public Safety and Homeland Security.
- It is critical that fire, emergency management, and emergency medical services be in the department. It is also essential to have a law enforcement liaison to brief the Governor on public safety issues and to act as his representative.

## PS 02

### CONSOLIDATE LAW ENFORCEMENT FUNCTIONS TO ENSURE PUBLIC SAFETY AND HOMELAND SECURITY

#### ISSUE

*More than 30 state departments and boards have employees classified as “peace officers.” Some of these peace officers are employed in large public safety agencies, while others are employed by smaller, non-public safety agencies. Peace officers performing similar duties for different departments receive inconsistent training and have varying resources.*

#### SOLUTION

- *Establish a Division of the California Highway Patrol in the new Department of Public Safety and Homeland Security.*
- *Consolidate state law enforcement functions by establishing a Division of Law Enforcement in the new Department of Public Safety and Homeland Security.*
- *Consider further consolidation of state law enforcement by identifying additional state law enforcement entities that should ultimately be merged in the new Division of Law Enforcement.*

## PS 02

*“Successful conservation of wildlife and their habitat requires dedicated law enforcement personnel with considerable knowledge and training in natural resource-related issues, it also requires close coordination with biologists and other wildlife professionals.”*

**Julia A. Levin**  
State Policy Director  
Audubon California  
*Written Testimony*

### PUBLIC COMMENT

74 comments were received for this recommendation. 16 comments expressed support. 36 comments expressed opposition. 22 comments were neutral.

#### Pros

- The current structure allows each branch to work completely independent of each other and focus on separate agendas. Consolidating entities will help law enforcement to develop common goals of how to protect the state and provide uniform structure and standards for the enforcement of state laws.
- Centralized command, training, and equipment will resolve the current issues associated with training, POST certification, and safety equipment.
- Placing Department of Fish and Game wardens within the division may minimize the amount of time that game wardens spend on non-law enforcement related functions.
- The generalist ranger in state parks may not provide citizens with the best level of law enforcement services. Placing the ranger position in a unified law enforcement division could increase effectiveness and improve public safety.

- Many state park units operate successfully with just a guide or interpreter and no state park ranger. If a peace officer is needed, these personnel can contact local law enforcement.

### **Cons**

- The proposed division would consolidate disparate functions (alcoholic beverage control, DMV violations, toxic substances control, Medi-Cal fraud, etc.), creating a generalized structure that could undermine the specialized expertise of each enforcement area.
- State park rangers perform many environmental, administrative, public education, and public safety functions in addition to their law enforcement duties. If rangers are moved to a new division, funding would be required to hire additional employees in the areas of housekeeping, interpretation, fee collection, and resource management.
- The proposed transfer of state park rangers could lead to reduced operational hours and park closures.
- The state park ranger job classification is the primary entry for promotion into the state park management structure. The recommended consolidation could impair the line of management succession, as employees hired and trained by the proposed Division of Law Enforcement may lack required skills and abilities.
- Successful conservation requires dedicated law enforcement personnel who are knowledgeable about natural resource-related issues and work closely with biologists and scientists. Moving rangers and game wardens into a separate division could cause specialized skills to deteriorate and impact the departments' abilities to meet mandates.
- The CPR did not identify any issues with natural resource law enforcement and resource protection, a problem that could have warranted the proposed consolidation of rangers and wardens. The occasional homeland security function is insufficient reason to reassign these officers from their primary mission.
- The proposed transfer of Department of Alcoholic Beverage Control (ABC) staff could shift their focus to homeland security, rather than investigating violations of the Alcoholic Beverage Control Act and ensuring proper business conduct among licensees.
- Enforcement by the Medical Board of California (MBC) requires specialized knowledge to gather and review medical information.

These activities do not lend themselves to cross coverage by those with a “police” orientation. Enforcement should remain with licensing functions and be staffed with personnel properly trained for this function.

- Consolidation of enforcement functions is based on the rationale that it will reduce personnel, training, and equipment expenditures. The cost of vehicles and equipment related to MBC enforcement functions is negligible.
- Depending on division leadership, consolidation could allow some law enforcement actions to receive a lower priority than others or even be eliminated over time.
- The recommendation does not include all state-employed peace officers in the consolidation proposal. For example, Museum Police, UC and CSU Police Officers, and the Department of Mental Health State Hospital Police are not included. This recommendation should be changed to uniformly list these officers as state investigators and peace officers under Chapter 4.5 of the Penal Code commencing with Section 830.
- The Department of Toxic Substance Control criminal investigators should not be moved to the Department of Public Safety and Homeland Security.

### **Considerations**

- Effective response to emergency situations and better trained personnel could be accomplished with minimal disruption to the current system. Policy changes, cross-training, additional funding, coordinated state-of-the-art communications, and centralized equipment purchasing could achieve the same results as the proposed reorganization.
- The additional responsibilities placed on the California Highway Patrol (CHP) could compromise its role as the state’s primary traffic safety organization. If responsibilities are expanded, the Motor Vehicle Account should not be used to fund non-transportation related duties and an additional non-motorist funding source identified.
- It is unclear whether the proposal to consolidate training is based on a desire to use one facility or if consolidation would also establish new uniform training standards. Given the vast difference in the duties of investigators, the latter goal may not be feasible.
- The proposed reorganization raises issues of seniority, right of transfer, and training of the peace officers who would move into a new division.



- Although the park ranger job classification is the primary entry line for promotion into state park management, all qualified employees should have opportunity for management succession, not just peace officers.
- If state park rangers are consolidated into the division, policies should be developed that take into account each park's distinct requirements. State park rangers should also retain current responsibilities.
- The Department of Alcoholic Beverage Control is a special fund department that is funded solely through license fees paid by industry members. The recommendation should be modified to clarify how license fees will be used to support the mission of ABC and not be diverted to other law enforcement activities.
- The recommendation may overemphasize the importance of the CHP and ignore the important role that local law enforcement plays in homeland security.
- The recommendation does not provide a clear reason for leaving the California Highway Patrol out of the Division of Law Enforcement.
- The commissioner of the division should be allowed to appoint peace officers and assign them to different departments, provided that their main function is enforcement. This structure would create uniformity and allow assignment of officers where necessary.
- The recommendations do not appear to include any provisions for the additional workload on the already overwhelmed public safety dispatchers. These personnel provide a critical link between all law enforcement agencies and are one of the lowest paid dispatcher groups in the state.

### PS 03

*"EMS is a complex contact sport, day in, day out, night after night, and involves sophisticated medical oversight."*

Michael Sise, M.D.  
Mercy Hospital, San Diego  
CPR Commission Hearing

### PS 03

#### CREATE A DIVISION OF FIRE PROTECTION AND EMERGENCY MANAGEMENT

##### ISSUE

*Roles, functions, and responsibilities for statewide fire protection and emergency management are divided among a number of different agencies. To eliminate confusion and improve command and control during emergencies and disasters, similar functions should be merged into a more efficient management structure.*

##### SOLUTIONS

- *Consolidate the state's emergency management functions, services, and disciplines into a new Division of Fire Protection and Emergency Management in the new Department of Public Safety and Homeland Security.*

## **PUBLIC COMMENT**

37 comments were received for this recommendation. 8 comments expressed support. 24 comments expressed opposition. 5 comments were neutral.

### **Pros**

- Consolidation of agencies will create a more effective and integrated public safety system. It will also provide a more coordinated approach to obtaining and managing resources, state and federal funding, and operational control.
- In recent years, the distinction between public health and public safety has become less defined. Locating the Emergency Medical Services Authority (EMSA) within the proposed division could streamline emergency medical services planning, response, and oversight, while preserving and enhancing the mission of EMSA.

### **Cons**

- The recommendation to relocate EMSA into the proposed division appears to focus primarily on its disaster responsibilities. However, EMSA performs a vast array of medically focused services that are designed to coordinate health care delivery, ensure public health safety, and manage medical emergencies and medical disaster functions.
- Relocating EMSA to an agency that is predominantly law enforcement and fire could make EMSA functions subordinate to fire services and dilute the viability, service value, and mission of emergency medical services.
- There is no evidence to suggest that the proposed reorganization could improve the effectiveness of EMSA. EMSA should be retained as an independent entity under the Health and Human Services Agency.
- Resource management programs have a direct and complementary relationship with fire protection. Dividing California Department of Forestry and Fire Protection (CDF) functions between two departments could reduce abilities to lead community fire protection planning work, diminish the “total force concept” of employee cross-training, and cause confusion regarding state leadership.
- It is extremely poor public policy to separate fire protection from resource management. This shift ignores current state and federal policies regarding fire protection and could result in fire suppression activities that create even greater natural resource problems. The proposed restructuring could also jeopardize federal funding for important fire programs such as controlled burns and brush removal.

### **Considerations**

- Instead of transferring all EMSA functions, the need for centralized statewide disaster functions could be accomplished by only moving EMSA's operational and terrorist/disaster responsibilities. A strong cross-agency link could ensure that emergency medical services personnel have a well-coordinated role as first responders.
- In order to address concerns regarding the dilution of EMSA's missions and functions, consider placing EMSA within its own division. It is critical to ensure a balance between public safety and homeland security, fire services, and emergency medical services.
- Appropriate and consistent medical direction and physician oversight is essential for EMSA to maintain medical and clinical competency and credibility. As a part of consolidation, a medical director should be identified to head the EMS section of the division.
- Specific minimum qualifications for the division director should be developed. Qualifications could include: California Chief Officer Certification; 15 years progressive experience in the fire service; experience managing a large fire protection organization; and skills in strategic planning, budget management, and communication.
- The functions of the Office of Traffic Safety (OTS) should be merged into the California Highway Patrol, rather than the Division of Fire Protection and Emergency Management.
- Coordination of law enforcement responses to disasters could possibly be assigned to the Division of Law Enforcement or the California Highway Patrol.
- The proposed consolidation does not appear to include the Office of the State Fire Marshal (OSFM). The OSFM plays an integral role in facilitating communication between local fire departments and the state. Eliminating the OSFM would undermine local input to the state process regarding the California Fire Service.
- In addition to the proposed restructuring, suggest a reorganization of the management and supervisory relationship between the EMSA and the Local Emergency Medical Services Agencies (LEMSA). Currently, each LEMSA functions on its own with little oversight or coordination by any other agency.
- Consider using a different division name that better describes its functions and activities. Possible alternatives: (1) Division of Fire Protection, EMS, and Emergency Management (to more clearly represent the proposed disciplines within the division); (2) Division of Fire (or Cal Fire); and (3) Division of Fire and Life Safety (to capture the cross-cutting nature of the division).

## PS 04

### CONSOLIDATE VICTIM SERVICES

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#### ISSUE

*Funding for victim service providers and compensation to victims of violent crime is currently spread across a number of different state offices, boards and departments. This fragmented structure creates an unnecessary burden, especially on victim service providers at the local level, as they must complete multiple state grant applications and progress reports that oftentimes cover different time periods and services.*

#### SOLUTIONS

- Consolidate victim services, including the Victim Compensation Program, Battered Women's Shelter Program, and Victim Services Branch into a Division of Victim Services in the proposed Department of Public Safety and Homeland Security.
  - Consolidate some of the ten secondary victim-related programs.
- 

### PUBLIC COMMENT

4 comments were received for this recommendation. 3 comments expressed support. No comments expressed opposition. 1 comment was neutral.

#### Pros

- Funding shortages and lack of a cohesive plan have led to divisiveness and limited collaboration between victim service groups. An informed and planned approach to the distribution of victim service dollars can be accomplished with a cohesive system.
- Victims suffer when services are disjointed. The proposed division will bring victim service providers into a closer working relationship that streamlines grant management, reduces service gaps and provides clear, consistent leadership.
- The division will provide the institutional nexus that is needed between victim service providers, law enforcement, and the criminal justice system.

#### Cons

- No testimony submitted.

#### Considerations

- Recommend consolidating any funds provided to an agency for victim services under the Division of Victim Services. All programs providing

services to victims of crime, irrespective of the status of criminal justice involvement, should be combined.

- Sufficient planning and transition time will be required to develop a division structure that adheres to the rules and regulations that govern various providers and also direct funding sources. This division structure must also absorb management of these agencies and administration of the separate funds.
- Gathering sufficient input from the field will be critical to developing a sense of ownership among those moving to the new agency. It is strongly recommended that the new division maintain partnerships between victim service programs, especially rape crisis center programs, to ensure statewide and local collaboration.
- During consolidation, all efforts should be made to ensure continuity of services.
- Recommend retaining the State Sexual Assault Advisory Committee, which has been a guiding identity and valuable multidisciplinary body for the rape crisis centers of California. Suggest creating a parallel Domestic Violence State Advisory Committee.
- In addition, the opportunities to leverage additional federal funding should be maximized with this consolidation.

## PS 06

### PEACE OFFICER STATUTORY REVIEW

#### ISSUE

*The Department of Social Services employs peace officers whose jobs involve minimal law enforcement activity. The state should reclassify these positions to non-peace officer positions and review other peace officer positions within non-public safety entities to ensure they meet appropriate law enforcement criteria.*

#### SOLUTIONS

- *Reclassify the Department of Social Services' (DSS) peace officer positions to non-peace officer positions.*
- *Repeal the Department of Social Services' authority to appoint peace officers.*
- *Review authorized state peace officer positions employed by non-public safety entities to ensure their duties conform to POST standards.*

## **PUBLIC COMMENT**

All 17 comments received oppose this recommendation. No supporting or neutral comments were received.

### **Pros**

- No testimony submitted.

### **Cons**

- The recommendation to reclassify DSS peace officers appears based on inadequate information about their functions and responsibilities. In addition to being POST-certified, DSS peace officers perform field investigations that carry potential administrative and criminal penalties, work closely with local law enforcement, and can make arrests.
- The statistics used in the reclassification recommendation may inaccurately understate DSS' role in investigations. Comments submitted to the CPR Commission reported that an internal sampling of 35 percent of all DSS investigators showed that during an 18-month period there were 666 investigations, 158 referrals for criminal filing, and 78 arrests.
- The theory that non-sworn personnel can conduct investigations at the same level as POST-trained peace officers, who have access to restricted law enforcement information and working relationships with local law enforcement, is questionable. Without the proper authority or training, non-sworn investigators may be less effective and allow licensees and staff to remain unaccountable for abuse and even death of clients.
- DSS employs peace officers whose jobs are consistent with the criteria used by CPR to evaluate peace officer status. These individuals protect the most vulnerable populations of the state and should continue to be classified as such. Peace officer status should not be eliminated through attrition.

### **Considerations**

- If local enforcement has workload constraints or limited expertise, DSS peace officers will often assume sole responsibility for child abuse investigations. The proposed reclassification could create an extra workload, which local law enforcement may be unable to assume. This could result in no criminal prosecution of child abuse cases in licensed care facilities.

- Although the number of investigations, criminal filings, and statistics are cited as an evaluation criterion, other investigators recommended for consolidation in the new division have very low arrest statistics.
- Consider including DSS investigators in the proposed Department of Public Safety and Homeland Security.

## PS 08

### CONSOLIDATE THE DEPARTMENT OF HEALTH SERVICES MEDI-CAL FRAUD INVESTIGATIONS BRANCH

#### ISSUE

*Numerous problems exist within the Department of Health Services' Medi-Cal Fraud Investigation Branch (DHS-IB). They stem mainly from the disproportionate assignment of investigators throughout the state, the discontinuance of required continuing professional training (CPT), and from oversight of a law enforcement unit by non-law enforcement personnel.*

#### SOLUTIONS

- *Transfer the Department of Health Services' Medi-Cal Fraud Investigation Branch (DHS-IB) to the new Department of Public Safety and Homeland Security in order to merge its functions with other public safety entities.*

## PUBLIC COMMENT

5 comments were received for this recommendation. 4 comments expressed support. 1 comment expressed opposition.

### Pros

- Law enforcement agencies are often better managed by professional peace officers. The proposed placement of DHS-IB may increase oversight, facilitate compliance with POST training requirements, and create a management structure that better understands the requirements and decisions affecting sworn officers.
- The proposed merger could significantly improve the overall effectiveness of Medi-Cal fraud and abuse investigations by ensuring uniformity and regular in-service training.

- The recommendation may reduce overall operational costs.
- Consolidation would allow the immediate deployment of sworn peace officers to respond to any emergency crisis and provide additional exchange of information.

### **Cons**

- Specific discussion in opposition to this recommendation was not received.

### **Considerations**

- Although integrating DHS-IB with other public safety programs may provide administrative savings, this consolidation does not address current program shortcomings. Larger cost savings might be realized by implementing a truly effective fraud control program, such as that provided by Associated Pharmacy Network (APN) and the Fraud Prevention Institute (FPI).
- The proposed transfer of authority is worth considering, as the current system has resulted in increased cost, administrative work, and delays in care without resulting in the desired improvements.
- As a part of the proposed transfer, efforts must be made to ensure appropriate protection against unreasonable invasion of patient privacy and/or inappropriate search of physician's offices.
- The proposed change should also consider repealing numerous Medi-Cal laws that impose inappropriate burdens and unduly bog down the provision of care (counter signatures, signatures on prescription and test orders, background checks, etc.).

## **PS 09**

### **CREATE A CALIFORNIA HAZARD MITIGATION ADVISORY COUNCIL**

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#### *ISSUE*

*Hazard mitigation programs are spread across several state departments and commissions. Although each was created to address a specific hazard, the piecemeal approach to hazard mitigation has created inefficiencies in program administration, competition for federal grants and confusion among stakeholders.*

#### *SOLUTIONS*

- *Create a California Hazard Mitigation Advisory Council by Executive Order to coordinate existing hazard mitigation programs and develop a statewide hazard mitigation strategy.*
-



## **PUBLIC COMMENT**

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

### **Pros**

- No testimony submitted.

### **Cons**

- This recommendation creates an advisory council with unidentified and unknown costs, which appears contrary to the basic premise of CPR.

### **Considerations**

- It might be advisable to reject this recommendation and allow the future department secretary to decide whether or not an advisory council is required.

## **PS 10**

### **ESTABLISH A CONTINGENCY FUND FOR THE DIRECTOR OF THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES**

#### *ISSUE*

*California's Office of Emergency Services often finds it difficult to coordinate responses during the initial phases of emergencies. Until the Governor proclaims a state of emergency, the Office of Emergency Services (OES) has no authority to direct the resources of other agencies to reimburse participating agencies. Without such funding, agencies may be reluctant or unable to provide resources. Establishing a contingency fund for OES to reimburse agencies for pre- and post-proclamation response activities would mean better emergency management.*

#### *SOLUTIONS*

- *Establish a contingency fund set for OES at 50 percent of the average annual state expenditures on emergency services (approximately \$15 million) to reimburse state agencies utilized in pre-proclamation periods of emergencies.*

## **PUBLIC COMMENT**

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

### **Pros**

- The creation of a contingency fund for OES to reimburse agencies ensures that funds are available for the initial response of needed resources in an emergency.
- The need for such advance planning was apparent during the first days of response to the 1997 flood event and in the recent Jones Tract flooding emergency. In such cases, emergency response that is taken as early as possible can reduce the adverse impact from such events.

### **Cons**

- The creation of a separate emergency fund for OES is redundant. The CDF has an existing emergency fund.
- Establishing a separate fund for an agency that is proposed to be consolidated into the Division of Fire Protection and Emergency Management does not make sense. This fund has the potential to become a “slush fund” where the funding amount increases as additional departmental requests are made.

### **Considerations**

- Instead of creating a separate fund, recommend moving the existing CDF emergency fund into the Department of Public Safety and Homeland Security. Under the direction and oversight of the secretary, this fund could be made available for use by all public safety agencies that provide direct emergency response services.

## **PS 12**

### **MEDI-CAL PROVIDER FRAUD INVESTIGATIONS SHOULD BE DONE BY THE CALIFORNIA DEPARTMENT OF JUSTICE**

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#### *ISSUE*

*By law, only the California Department of Justice (DOJ) has the authority to investigate and prosecute fraud by Medi-Cal providers, such as physicians and pharmacies. In reality, most of the investigative work is done by the California Department of Health Services in the guise*

of “preliminary investigations” before cases are referred to DOJ. The state is forfeiting more than \$1.6 million in federal reimbursements as a result.

#### SOLUTIONS

- Complete the Memorandum of Understanding (MOU) with the California Department of Justice (DOJ) by November 1, 2004 and develop criteria in the MOU that allows for the earliest possible transfer of Medi-Cal provider fraud investigations to DOJ.

#### PUBLIC COMMENT

4 comments were received in support of this recommendation. No opposing or neutral comments were received.

##### Pros

- In the current structure, cases are often duplicated or simultaneously investigated by other branches. Transferring this function may help to eliminate duplication and ensure that sufficient expertise and resources are assigned to this responsibility.

##### Cons

- No testimony submitted.

##### Considerations

- The proposed transfer of authority is worth considering, as the current system has resulted in increased cost, administrative work, and delays in care without resulting in the desired improvements.
- It is unclear whether federal law authorizes the transfer of enforcement authority to the Attorney General’s Office.
- Before implementing the proposed change, efforts must be made to ensure appropriate protection against unreasonable invasion of patient privacy and/or inappropriate search of physician’s offices.
- The proposed change should also consider repealing numerous Medi-Cal laws that impose inappropriate burdens and unduly bog down the provision of care (counter signatures, signatures on prescription and test orders, background checks, etc.).

## PS 13

### IMPROVING SERVICES TO VICTIMS OF CRIME

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#### ISSUE

*California's Victim Compensation Program and victim/witness assistance centers are the most comprehensive programs for assisting victims of crime. The programs are dependent upon one another but administered separately, resulting in unnecessary duplication of efforts. In addition, funding has remained the same for the past six years, resulting in an overall decrease in services to victims.*

#### SOLUTIONS

- *Consolidate administration of the Victim/Witness Assistance Program operated by the Office of Emergency Services, or its successor, into the Victim Compensation Program (VCP) operated by the Victim Compensation and Government Claims Board, or its successor. The agencies responsible for administering these programs should consolidate all state-issued funds to counties for victim/witness assistance centers and restitution specialists, where possible, into one grant per county.*
  - *Require victim/witness assistance center personnel to perform the duties of restitution specialists by determining victims' economic losses in all cases, including amounts paid by the Victim Compensation Program. The requirement should include, when possible, that the centers' personnel provide this information, along with facts of the crime relevant to determining an appropriate restitution fine, to the prosecuting agency, probation department, court or other appropriate local criminal justice entity prior to an offender's sentencing.*
  - *Require that 5 to 10 percent of Restitution Fund revenue from state restitution fines and orders be allocated to victim/witness assistance centers statewide.*
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#### PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition. 1 comment was neutral.

##### Pros

- No testimony submitted.

##### Cons

- Restitution specialists are highly trained paralegals who meet state-mandated educational standards and have extensive knowledge of restitution. If victim advocates perform these duties, cases may be handled by less qualified individuals and the victim may be given inadequate service or not made whole.

- Victim/witness centers provide many other services including crisis response, emergency relocation, and case and court-related services. Many victims do not qualify for VCP benefits but need other crisis and advocacy services. The implementation of this recommendation could compromise or marginalize many critical services.
- Currently, restitution assistance is a service provided upon request of the victim. Restitution specialists only determine victim's losses in cases which involve a victim compensation claim. Adequate funds may not be available to offset the personnel needed to perform this new, expanded duty.
- In the absence of sufficient funding, victim/witness assistance centers would be adding a labor-intensive, mandated duty which could compromise other mandatory services.
- Instead of consolidating funding streams for distribution at the county level, retain the current distribution of funds to ensure the maximum amount of money goes to victim services, not another layer of bureaucracy at the county level.

### **Considerations**

- Consolidating the Victim/Witness Assistance Program into the Victim Compensation Program needs to be closely examined. The Victim Compensation Program should go to the Division of Victim Services where other services are managed. Reorganization should not do anything to separate or disjoin services.
- Determining restitution losses for victims has become more complex and requires specialized legal expertise to analyze victim losses. Another option would be to give statutory authority to restitution specialists and give them the legal status equivalent to probation officers so they can advise the courts on restitution.
- The recommendation for a dedicated funding stream could offset the addition of the proposed, mandatory duty for victim/witness assistance centers. However, a number of factors would need to be addressed, including a prerequisite to maintain an adequate reserve in the VCP Restitution Fund.
- Currently, victim/witness assistance centers receive a percentage of state penalty assessment funds and federal crime victim funds. It is unclear what would happen to those dedicated funding streams with

the recommended consolidation. The VCP Restitution Fund balance has varied and it may be difficult to predict future funding.

- Victim/witness assistance centers provide many services beyond restitution, such as victim advocacy, as victims relate with the law enforcement and judicial systems. It is highly encouraged that future dialogue looks closely at all aspects of victim support.